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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[12 February 1992]

1. One hundred and sixteen national Parliaments are currently represented within the Inter-Parliamentary Union which also has two associate members.

2. In October 1991, the 86th Inter-Parliamentary Conference adopted unanimously 1/ a resolution entitled "Development of Measures to Prevent and Intervene Against Genocide through International Cooperation within the Framework of Competent International Bodies such as the United Nations". This resolution addresses those violations of human rights and fundamental freedoms which either already constitute genocide or which may develop into genocide unless preventive action is taken. The members of the Commission on Human Rights will find below, for their information, the text of this resolution.

1/ The following national Parliaments were represented at this Conference: Algeria, Angola, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, San Marino, Senegal, Singapore, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, USSR, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

DEVELOPMENT OF MEASURES TO PREVENT AND INTERVENE AGAINST GENOCIDE THROUGH INTERNATIONAL COOPERATION WITHIN THE FRAMEWORK OF COMPETENT INTERNATIONAL BODIES SUCH AS THE UNITED NATIONS

The 86th Inter-Parliamentary Conference,

Recalling that under the Charter of the United Nations, Member States have pledged themselves to take joint or separate action, in cooperation with the United Nations, for the achievement and promotion of universal respect for and observance of human rights and fundamental freedoms,

Reaffirming the principle laid down in the Universal Declaration of Human Rights, that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling United Nations General Assembly resolution 260 (III) adopted on 9 December 1948, which approved the Convention on the Prevention and Punishment of the Crime of Genocide and urged all countries to accede to the Convention,

Reaffirming that international humanitarian law obligates belligerents to offer protection to captured and sick combatants and civilians, who are entitled to respect for their life and their moral and physical integrity as provided for in the four Geneva Conventions of 1949 and their two Additional Protocols,

Noting with satisfaction that the Genocide Convention of 1948 as well as the four Geneva Conventions of 1949 have gained virtually universal acceptance,

Recognizing that genocide constitutes a crime against humanity under international law and a grave threat to international peace and security, and that persons committing genocide must be punished, whether they are constitutionally responsible rulers, public officials or private individuals, and noting the conclusions and recommendations of studies on the question of the prevention and punishment of the crime of genocide, conducted under the auspices of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, calling for the urgent adoption of additional and more substantive measures against perpetrators of genocide,

Mindful that, despite all undertakings, the twentieth century is replete with instances of genocide committed by States, constitutionally responsible rulers and public officials,

Gravely concerned that existing tensions and conflicts involving national, ethnic, racial, religious or cultural groups may constitute or give rise to the crime of genocide,

Recalling that the annexation of territories, forced displacement of populations, racial discrimination and apartheid may lead to genocide,

Concerned that existing measures are under-utilized by the competent international organizations and are inadequate to effectively prevent or intervene against genocide,

Conscious that the absence of adequate enforcement mechanisms constitutes a failure by the international community to implement the principles and standards laid down in the Charter of the United Nations and in international human rights instruments,

Noting that, as a consequence, the crime of genocide has been punished only very rarely since the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide,

Convinced that Parliaments can play an important role in the consolidation and expansion of measures to prevent genocide and of cooperation to free the world from this scourge,

Emphasizing the duty of the United Nations Security Council to take collective action with respect to acts of genocide and aggression, which constitute crimes against humanity and breaches of the peace, in order to prevent resort to unilateral intervention and violation of the political independence and territorial integrity of States,

Reiterating the importance of preventive measures, such as the establishment and support of impartial and authoritative human rights bodies, which can call the attention of the international community to situations likely to lead to genocidal actions,

Pointing out that the crime of genocide cannot be prevented without extensive international cooperation between bodies and organizations working in the field of human rights,

1. Vigorously condemns the crime of genocide, and recalls that it constitutes a crime under international law, whether committed in time of peace or of war;

2. Emphasizes that the elimination of the crime of genocide requires all countries to adopt open political systems based on respect for human rights and fundamental freedoms;

3. Urges States that have not yet done so to accede to or ratify the Convention;

4. Expresses its conviction that, in order to eliminate genocide, it is essential that all countries implement the Convention on the Prevention and Punishment of the Crime of Genocide;

5. Calls on the United Nations to take all appropriate measures, in particular the establishment of an international early warning system, to prevent genocide and intervene in any situation likely to lead to genocide;

6. Emphasizes that the principle of non-interference in matters which are essentially within the jurisdiction of States must not prevent the United Nations from taking measures to ensure respect for fundamental human rights principles and the prevention and punishment of the crime of genocide;

7. Recommends that, to prevent any violation of the territorial integrity and political independence of States and to avoid the need to resort to unilateral humanitarian intervention by armed force because of the absence of other effective measures, the Security Council give serious consideration to the possibility of using United Nations peace-keeping forces, in conformity with the Charter, to prevent or intervene against massive and flagrant violations of human rights and fundamental freedoms, in particular the annexation of territories and forced displacements of populations, which are likely to lead to, or which constitute genocide and which threaten international peace and security;

8. Calls on the United Nations Commission on Human Rights to appoint a Special Rapporteur on genocide to report annually - in his/her capacity as an independent expert - on progress made in the prevention and punishment of the crime of genocide;

9. Urges that the Convention on the Prevention and Punishment of the Crime of Genocide be amended to include cultural genocide, namely, all measures aimed at the extermination of the languages or dialects and cultures of any minority or people;

10. Also urges Member States parties to the Convention on the Prevention and Punishment of the Crime of Genocide to set up the international penal tribunal contemplated in Article VI in order to try and punish perpetrators of acts of genocide; such a tribunal should have compulsory jurisdiction over all offences
if domestic remedies are exhausted or substantially ineffective;

11. Further urges Member States parties to the Convention on the Prevention and Punishment of the Crime of Genocide to request, in the spirit of Article VIII, the establishment of a committee on genocide whose function would be to receive petitions and to carry out investigations in connection with allegations of genocide, to seize the international tribunal and to take urgent steps to end genocide wherever it might be committed;

12. Calls for effective measures to be taken to protect the rights of minorities in all States in keeping with the spirit of the work of the Commission on Human Rights on the Declaration of the Rights of Persons belonging to National, Ethnic, Religious or Linguistic Minorities;

13. Also calls for the coordination of efforts to establish or re-establish the legitimate rights of all oppressed peoples of the world and for an end to all repressive practices to which they are subjected;

14. Reiterates that all sovereign States, pursuant to their Constitutions, should enact the necessary legislation for the implementation of the provisions
of the Convention on the Prevention and Punishment of the Crime of Genocide;

15. Stresses the need for the prompt completion of the draft international code of offences against the peace and security of mankind;

16. Calls on all Inter-Parliamentary Groups to bring the proposed measures to the attention of their respective Governments and to exchange information and experience concerning measures taken to facilitate international cooperation in that sphere;

17. Requests the Secretary-General of the Inter-Parliamentary Union to transmit this resolution to the Secretary-General of the United Nations and to discuss with him the possibility of organizing international cooperation within the framework of the United Nations and other competent international bodies to develop these and other measures to prevent and intervene against the crime of genocide;

18. Also requests the Secretary-General of the Inter-Parliamentary Union to report to the Inter-Parliamentary Council on his consultations with the Secretary-General of the United Nations at the next Inter-Parliamentary Conference.